

"FILED IN OPEN COURT"

United States District Court
For the District of Massachusetts

4-20-05

E.L.

CIVIL ACTION NO.: 2005-10530-JLT

MOUNTAIN PEAKS FINANCIAL)
SERVICES, INC.,)
PLAINTIFF)
JUDGMENT CREDITOR,)
v.)
PHILIP B. McADAM,)
DEFENDANT)
JUDGMENT DEBTOR.)

MOTION TO DISMISS COMPLAINT FOR FAILURE OF VENUE

Now comes the Defendant, Philip B. McAdam, in the above-entitled matter and moves that the Court dismiss the instant action for failure of proper venue and jurisdiction. For reasons herefore the Defendant says that:

1. He is a resident and domiciliary of the State of New Hampshire.
2. The Plaintiff is a corporation apparently doing business in the State of Colorado.
3. The Execution upon which the Plaintiff complains did issue from the Commonwealth of Massachusetts, but that was many years ago.
4. The property to which the Plaintiff seeks attachment and satisfaction of his judgment is in the State of New Hampshire.

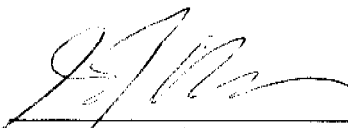
Further the Defendant says that:

5. The Plaintiff is involved in a companion lawsuit in Essex County in the case entitled Dana P. McAdam v. Cushing and Dolan, P.C., Old Republic National Insurance Company, and Mountain Peaks Financial Services, Inc., Essex Superior Court, Case Number ESCV-2005-00339.
6. The Plaintiff has ample opportunity to seek its appropriate redress against the Plaintiff in the Essex Superior Court or the Courts in the State of New Hampshire.

Wherefore the Defendant, Philip B. McAdam, respectfully requests that the above matter be dismissed.

Dated: April 19, 2005

Philip B. McAdam,
By his Attorney,

A handwritten signature in black ink, appearing to read 'G. Basbanes', is written over a horizontal line.

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